G. R. S. IX-5]

Previous references.

1870.
~~191~~ .
Courts)

File No. 1 of 1871

Serial Nos. 1

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for January 1871.

SUBJECT.

Proposal regarding the Courts of the Deputy Superintendents being declared to be District Courts.

Indexed

W D 88—GPB—50,000—24-7-16

1870/71 No. 228

From The Offg Ind. Commissr of Mysore

To The Secretary to the Chief Commissr of Mysore

Dated 4th Jany 1871.

Despatched —

Received 14th Jany/71

Enclosures No. 1

General No. 1789 } 1871

No. 272 }

Recommends that the Courts of the Dy Supts may be declared to be District Courts in all suits and proceedings involving no greater sum or value than Rs 10,000 and suggests the advisability of the measure being submitted for the sanction of the Government of India.

I. C. Cons.

9. 1. 71. N.Z

67

I/99

Section Courts

File No. 1 of 1870.

Serial No. 1

10. 1. 71 —

Copy, &c. &c. &c.

Indian Act —

Recommendation —

That the Courts of the Dy Supts may be declared District Courts within the provisions of the Civil Procedure Code in force in the Province in suits & proceedings involving no greater sum

No. 1789
272

Mysore Judl Commissrs Office
Bangalore 4th Jany 1871

From

Major J. A. Campbell
Offg Judicial Commissioner
in Mysore.

To

The Secretary to the
Chief Commissioner
in Mysore

Sir,

The Acts of the Legislative Council noted in the margin which have been extended to this Province declare that Cases falling under their Provisions shall be cognizable by "District Courts and a "District Court" is in each Act held to mean the Principal Civil Court of original jurisdiction in a District.

[1] Succession Act X of 1865
[2] Certificate Act XXVII of 1860
[3] Trading Compys Act X of 1866
[4] Registration Act XX of 1866.

2. In the Rules of Civil Procedure for Mysore which were published under a Notification dated 13th April 1869, original jurisdiction is conferred upon the Superintendents of divisions in suits exceeding Rupees 10,000 in amount or value. It therefore follows that the Court of the Superintendent

dent of a Division must be held to be a "District Court" for the purposes of the several Acts above enumerated.

3. But in a letter No. 1381/184 of the 31st October 1870 to the Superintendent of Sagar, copy of which is appended, Mr. Pinderoley states that this was a result which he did not foresee when he recommended that Superintendents of Divisions should have original jurisdiction, and he accordingly called upon Superintendents to say whether in their opinion Government should be asked to declare the Courts of the Deputy Superintendents to be "District Courts", in all suits and proceedings involving no greater sum or value than Rs. 10,000.

4. The replies of the Superintendents have been received and as they are unanimously in favor of the proposition, I beg that it may be laid before the Chief Commissioner for his approval, with an expression of my own concurrence in the advisability of the measure being submitted for the sanction of the Government of India.

I have the honor to be
Sir
Your most obedient Servt.

[signature]

Judl. Commissioner

1381
184.

Mysore Judicial Commissioner's Office
Bangalore 31st October 1870.

To

The Superintendent of the
Nagar Division

Sir,

I have the honor to acknowledge the receipt of your letter No. 2948 of the 21st instant asking my opinion on the interpretation of the words "District Judge" in the Indian Succession Act.

2. Colonel H. M. Elliott has submitted the same question with reference to his jurisdiction under Act 27 of 1860, and has pointed out that in the Civil Procedure Code [Section 386] a district means the local jurisdiction of a principal Civil Court of original jurisdiction.

3. In this view the Court of the Superintendent of the Division would be the District Court. And I am of opinion that this view is correct.

4. This however is a result which I did not foresee when I recommended that Superintendents of Divisions should have original jurisdiction in suits exceeding

&c.

the value of Rupees 10,000. I therefore request that you will favour me with your opinion whether the Government should be asked to declare the court of the Deputy Superintendent to be the "District Court" in all suits and proceedings involving no greater sum or value than Rupees 10,000.

I have the honor to be &c.

/Signed/ J. R. Kindersley

Offg. Judl. Commissioner

"True Copy"

Offg. Judicial Commissioner